

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re

Case No.:

R.S. No.:

Chapter 13

Order Setting Telephonic Hearing
For Relief From Stay

IT IS HEREBY ORDERED that a preliminary hearing will be held telephonically on _____ at _____ m., or as soon thereafter as the matter may be heard, to consider the attached motion for relief from stay. This Order modifies Bankruptcy Local Rule 4001-1 by requiring telephonic, rather than personal appearances, by the parties on a motion for relief from stay. The moving party shall complete the information in this Order, serve a copy of this Order with the moving papers, and file all pleadings as well as proof of service, at least fifteen days prior to the noticed hearing date.

Moving party shall pay the cost of the telephone conference with Court Conference (1-866-582-6878). Court Conference will place telephone calls to _____, counsel for moving party, at _____ and to _____, counsel for the debtor, at _____. (Use an office telephone number for counsel.) If incorrect, debtor's counsel shall provide the correct number or an alternate number to Court Conference no later than 24 hours in advance of the hearing. At any continued hearing the parties are required to notify Court Conference no less than 24 hours in advance of any change in the telephone number. If the parties seek a continuance of the telephonic hearing, notice must be given to the calendar clerk no later than 48 hours prior to the scheduled hearing. Any questions regarding procedures for the telephonic hearing may be directed to Court Conference at 1-866-582-6878.

NEGOTIATIONS. The parties shall, in good faith, confer before the hearing regarding the issues raised by the motion and resolution of the motion. If debtor's counsel does not appear telephonically, the Court may presume there is no opposition to the motion. If either counsel or the parties abuse the process for telephonic hearings, the Court may order sanctions, which may include removing the matter from the calendar, granting relief from the automatic stay, or awarding monetary sanctions, as appears just under the circumstances.

PERSONAL APPEARANCES. The courtroom will normally be locked and personal appearances may not be made without the prior permission of the court. Requests for personal appearances are to be submitted in writing, by letter, to Carol Barnhill, Courtroom Deputy. Requests must be made at least 48 hours before the hearing and must contain a description of the discussions requesting counsel has had with opposing counsel.

/s/ JAMES R. GRUBE
UNITED STATES BANKRUPTCY JUDGE